

THE CITY OF CLAYTON

Board of Aldermen
City Hall – 10 N. Bemiston Avenue
October 8, 2013
7:15 p.m.

Minutes

Mayor Sanger called the meeting to order and requested a roll call. The following individuals were in attendance:

Aldermen: Michelle Harris, Andrea Maddox-Dallas, Cynthia Garnholz, Mark Winings, Joanne Boulton, and Alex Berger III.

Mayor Sanger
City Manager Owens
City Attorney O'Keefe

Mayor Sanger asked for any questions or comments relating to the September 24, 2013 minutes, which were previously provided to the Board.

Alderman Garnholz moved to approve the September 24, 2013 minutes. Alderman Maddox-Dallas seconded the motion.

The motion to approve the minutes passed unanimously on a voice vote.

PUBLIC REQUESTS AND PETITIONS

None

A PUBLIC HEARING AND AN ORDINANCE TO CONSIDER REZONING 8260 FORSYTH BOULEVARD BY REMOVING IT FROM THE MARYLAND GATEWAY OVERLAY DISTRICT

City Manager Owens reported that this item will need to be tabled at this time due to some items that will require corrections and then brought before the Board at a later time.

City Attorney O'Keefe explained that the petition is characterized as a text change which has different pre-meeting notice requirements, but what in fact is occurring is more accurately treated as a rezoning of a specific property. Because of the way it was originally characterized the notices weren't properly sent to the surrounding property owners. He confirmed that the Public Hearing notice had been published as required.

City Attorney O'Keefe recommends that Mayor Sanger open the Public Hearing to hear public comment, but also recommended that a motion to recess the Public Hearing is properly made.

City Clerk Frazier noted that the notices of the Public Hearing scheduled for October 22, 2013 have been mailed.

Mayor Sanger opened the Public Hearing and requested proof of publication.

Alderman Harris moved to recess the Public Hearing until the October 22, 2013 Board of Aldermen meeting. Alderman Maddox-Dallas seconded.

The motion passed unanimously on a voice vote.

Alderman Harris moved to table Bill No. 6415 and hold the Public Hearing during the October 22, 2013 Board of Aldermen meeting. Alderman Maddox-Dallas seconded.

The motion passed unanimously on a voice vote.

A PUBLIC HEARING AND A RESOLUTION TO CONSIDER APPROVING A CONDITIONAL USE PERMIT TO ALLOW A PHARMACY DRIVE-THROUGH FACILITY AT 8101 CLAYTON ROAD - CVS PHARMACY

Mayor Sanger opened the Public Hearing with regard to Resolution No. 13-23 and requested proof of publication.

City Manager Owens reported that this is a public hearing and subsequent resolution for a conditional use permit for the proposed operation of a drive-through facility in conjunction with the new CVS Pharmacy at 8101 Clayton Road.

At the September 24, 2013, Board of Aldermen meeting, after having received a favorable recommendation from the City's Plan Commission, the Board voted to approve a text amendment to the City's Zoning Regulations to include drive-through facilities for pharmacies as conditionally permitted uses in the C-2 General Commercial District (except the Clayton Road Urban Design District).

The site has access from the northeast at Brentwood Boulevard and from the southwest at Clayton Road. The proposed drive-through, which does not require any new construction to the building, is located on the west side of the building and will consist of one drive-through lane with a drive-up window and one outside bypass lane. Vehicles will enter the drive-through via a one-way driveway at the northwest corner of the site. The drive-through lanes are oriented parallel to Brentwood Boulevard, which will direct vehicular headlights away from adjacent residential properties.

The drive-through is separated from the site's parking and drive aisles by a raised landscaping island with a concrete curb. CVS proposes to operate the drive-through 24 hours a day, 7 days a week. Only pharmaceuticals will be sold at the drive-through.

The distance between the drive-through and the nearest residential structure is approximately 150 feet. The visual implications are minimal as they only include the addition of a drive through window and an awning.

The existing hedges and buffers along Clayton Road, Brentwood Boulevard, and the western property line will remain. The existing landscape bed at the southeast corner of the building will be planted with a variety of new shrubs, flowers and grasses. The concrete curb/landscape bed that will separate the drive through lane and the parking and circulation area will be planted with a variety of shrubs and will provide a partial buffer of the drive through lane. A new landscape island is proposed at the exit of the drive through. The existing 6-foot tall wood fence along the western and northern property lines provides a buffer from the residential properties.

A traffic study analyzed potential traffic impacts of the proposed development of the site. The study notes that based on studies of similar facilities, maximum queue lengths in the drive-through lane are usually two or three vehicles, with typical queues shorter. Customer tolerances for waiting are relatively low and patrons are unlikely to form extensive queues. Often, drive-through patrons will park and go into the store rather than wait in a long drive-through line. The code requires queuing space for 10 vehicles; the applicant proposes space for 5 vehicles. As noted in the traffic study, the

proposed 5 stacking spaces will be sufficient to handle the demand and there is adequate stacking distance to prevent cars from backing up onto public streets. Additionally, due to existing queuing and less than optimal sight distance, the intersection of the north driveway and Brentwood Boulevard will be restricted to right-in/right-out through the addition of a raised median in Brentwood Boulevard.

Because the nearest residential property is setback approximately 90 feet from the outside edge of the stacking lane, a noise study was not required. The drive-through will be subject to the design guidelines and requirements for drive-through facilities adopted by the Board of Aldermen on June 25, 2013.

The Plan Commission considered this request at their September 16, 2013, meeting and voted unanimously to recommend approval of the conditional use permit as requested

Recommendation is to approve the Conditional Use Permit as proposed.

Mr. John King, Attorney and representative for Gershman Brown & Crowley, agent for CVS Pharmacy, addressed the Board and introduced Matt Fogerty, Civil Engineer, stating that his client has a lease with the owners of the former Linen's & Things property. He said that during the renovation they will not be grading or changing the current parking area. All renovations will be done on the interior of the building and also the (1) drive-through window that is located on the west side of the property. He said that the property sits on 1.8 acres; the store will be open 24 hours/7 days a week and that only prescriptive medicine will be sold at the drive through. He noted that the first floor will consist only of CVS Pharmacy and that they have plans to rent the second floor of the building to be used for office space and also approximately 3,000 square feet of retail use.

Mr. Matt Fogerty, Premier Civil Engineering, gave the Board a brief presentation of the design layout of the project.

In response to Alderman Garnholz's questions, Mr. Fogerty, stated that they plan on opening in January 2014. He confirmed that traffic can "que" to the drive through from Clayton Road.

In response to Alderman Boulton's question, Mr. Fogerty pointed out on the presentation the location of the truck loading/unloading area which that location has a 24 foot wide drive-out for cars to move through, noting that the Pharmacy uses trucks that are smaller than the standard box truck. He added that they would add a bike rack.

Mayor Sanger closed the public hearing.

Alderman Harris moved to approve Resolution No. 13-23, a Conditional Use Permit for CVS Pharmacy located at 8101 Clayton Road. Alderman Maddox-Dallas seconded.

The motion passed unanimously on a voice vote.

A RESOLUTION TO CONSIDER APPROVING THE SUBMITTAL OF A MUNICIPAL PARKS GRANT APPLICATION FOR A PLAYGROUND AT OAK KNOLL PARK

City Manager Owens reported that a high priority for the Parks and Recreation Department has been the upgrade of existing playgrounds throughout the city's park system. The second of these projects is the scheduled construction of a state-of-the-art Inclusion Playground in Oak Knoll Park. While all playgrounds in our system are ADA compliant, we are continuing our efforts to upgrade our aging playgrounds as funds become available.

Included in this year's budget is \$285,000 for the completion of this project. At this time, the Parks and Recreation Department is completing a grant application to the Municipal Park Grant Commission of St. Louis County for up to \$150,000 towards the cost of construction. In their lease agreement the Clayton Early Childhood Center (CECC) committed to funding \$140,000 of the playground costs. The City of Clayton will need to commit to funding 5% of the total project cost or the equivalent of \$14,000. If the full amount requested is secured through a Municipal Grant the funding would be \$150,000 from Grant Funds, \$130,000 from CECC and \$15,000 of city funds. As in the past, if the grant is not secured, the city will not have to proceed with the project. The Parks and Recreation Commission expressed their support of this grant application at their September 9, 2013 meeting. This playground was listed as one of the priority projects in the 2007 Parks and Recreation Master Plan. Recommendation is to approve the resolution authorizing submittal of the grant application.

Mayor Sanger commented that this would be a good deal for the City if the grant is approved.

In response to Alderman Boulton's question, City Manager Owens stated that the City would not be required to move forward with the playground project if the grant was not attained.

In response to Alderman Berger's question, Patty DeForrest explained that playgrounds are either accessible or inclusive. Accessibility means that at least 50% of the equipment is accessible to persons with disabilities. Inclusive means that everything is accessible, which is the type of playground the City would be building.

Alderman Harris moved to approve Resolution No. 13-24, authorizing staff to submit a Municipal Grant Application for the playground at Oak Knoll Park. Alderman Maddox-Dallas seconded.

The motion passed unanimously on a voice vote.

A MOTION TO APPOINT A MEMBER TO THE PARKS & RECREATION COMMISSION

City Manager Owens reported that due to a recent resignation of a member of the Parks & Recreation Commission Ward 1 has nominated Becky Patel to be appointed to the Commission to serve a three-year term ending June 30, 2016. Recommendation is to approve the appointment.

Alderman Harris moved to approve the appointment of Becky Patel to the Parks and Recreation Commission. Alderman Maddox-Dallas seconded.

The motion passed unanimously on a voice vote.

A MOTION – YEAR 2014 BOARD OF ALDERMEN MEETING SCHEDULE

The 2014 Board of Aldermen meeting schedule is presented for approval prior to posting. The following calendar dates are scheduled:

January 14 2014
January 17, 2014 (SPS)
January 28, 2014
February 11, 2014
February 14, 2014 (SPS)
February 25, 2014
March 11, 2014
March 14, 2014 (SPS)

July 8, 2014
July 18, 2014 (Budget Work Session)
July 22, 2014
August 12, 2014
August 15, 2014 (Budget Work Session)
August 26, 2014
September 9, 2014
September 19, 2014 (SPS)

March 25, 2014
April 8, 2014
April 18, 2014
April 29, 2014 (*due to Passover*)
May 13, 2014
May 16-17, 2014 (*BOA Retreat*)
May 27, 2014
June 10, 2014
June 20, 2014 (SPS)
June 24, 2014

September 23, 2014
October 7, 2014
October 17, 2014 (SPS)
October 21, 2014
November 11, 2014
November 21, 2014 (SPS)
November 25, 2014
December 9, 2014
December 19, 2014 (SPS)
December 23, 2014 (*TBD*)

Alderman Harris moved to approve the 2014 BOA Schedule. Alderman Maddox-Dallas seconded.

In response to Mayor Sanger's question, City Manager Owens stated that modifications can be made to the future dates.

The motion passed unanimously on a voice vote.

Other

Alderman Boulton commented that the Fire Department Breast Cancer Awareness BBQ was great and fun. She also commented that she participated in the Pedal for the Cause event, Alderman Harris also participated.

Mayor Sanger commented that he participated in three great events recently, the Fire Department BBQ - lots of people, great food and fun; the Clayton High School Homecoming Parade – lots of fun; and he was the parade "Marshall" at the Centennial Family event where he drove the "train" around the park - it was a blast.

Alderman Berger moved that Board adjourn to a closed meeting, with a closed vote and record, as authorized by Section 610.021(1), (2) and (3) Revised Statutes of Missouri, relating to legal issues, real estate and/or personnel, and to discuss matters related to negotiation of a contract pursuant to Section 610.021(12), RSMo. and/or proprietary information pursuant to Sec. 610.021(15). Alderman Boulton seconded the motion.

Alderman Harris – Aye; Alderman Maddox-Dallas – Aye; Alderman Garnholz – Aye; Alderman Winings – Aye; Alderman Boulton – Aye; Alderman Berger – Aye; and Mayor Sanger – Aye.

There being no further regular business the meeting was adjourned at 7:35 p.m.

Mayor

ATTEST:

City Clerk